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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PLAYTEX PRODUCTS, INC.,

Plaintiff,

- against -

THE PROCTER & GAMBLE COMPANY,

Defendant.

1:08-CV-03417 (WHP) (THK)

[PROPOSED] ORDER AND
JOINT STIPULATION OF
DISMISSAL

JUL 1 2008

The parties hereby stipulate, by and through their respective counsel, that all claims and counterclaims in this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1). Each party will bear its own costs and attorneys' fees.

Dated: Menlo Park, CA
July 8, 2008

DAVIS POLK & WARDWELL

By:

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SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.

7/11/08

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Dated: New York, New York
July 8, 2008

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2008

William H. Pauley III
United States District Judge